

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ROBERT PATRICK HOFFMAN, II,)
)
Defendant.)

CRIMINAL CASE NO.
2:12cr00184

TRANSCRIPT OF PROCEEDINGS
(**Testimony of F. Cattani**)

Norfolk, Virginia
August 20, 2013

BEFORE: THE HONORABLE ROBERT G. DOUMAR,
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE
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Assistant United States Attorneys
and
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I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
F. Cattani	3	27	39	--

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1 *****

2 MR. SALSBURY: The government calls Frank Cattani.

3 THE COURT: Would you close that book up there,
4 Mr...

5 (There was a pause in the proceedings.)

6 THE COURT: All right.

7 (The witness was sworn by the clerk.)

8 FRANK CATTANI, called as a witness, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SALSBURY:

12 Q. Please state your name.

13 A. My name is Frank Cattani.

14 Q. How do you spell your last name?

15 A. My name is spelled C-A-T-T-A-N-I.

16 Q. Where do you live, sir?

17 A. I live in Virginia Beach.

18 Q. What is your present occupation?

19 A. I'm a United States naval officer.

20 Q. What is your rank?

21 A. I'm a Captain in the Navy.

22 Q. How long have you been in the Navy?

23 A. I've been in the Navy for 27 years.

24 Q. Captain Cattani, tell us about your educational
25 background.

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1 A. I went to Cornell University under the Navy ROTC
2 scholarship program, and I got my commission upon completing
3 a four-year degree in electrical engineering.

4 Q. Please tell the jury about your submarine training and
5 experience.

6 A. After commissioning, I attended the Nuclear Power
7 Training Pipeline. That's about a six-month routine of
8 classroom training, followed by a six-month period of
9 practical training before proceeding to basic officer school,
10 where I spent another three months learning basic submarine
11 operations and tactics in submarine system and design.

12 Then I reported to my first ship, the USS NEWPORT
13 NEWS, stationed here in Norfolk. There I received on-the-job
14 training as a junior officer. During that tour I earned my
15 submarine qualifications, which is typically about a one-year
16 process, and completed nuclear engineer qualifications, which
17 is the senior qualification for a first-tour officer.

18 Upon completion of that tour, before I went back to
19 a submarine as a department head, I attended the submarine
20 officer advance course, which is a six-month curriculum
21 focused on advanced submarine operations and tactics. I
22 received on-the-job training during my department head tour
23 and proceeded to my next stat sea assignment, which was as an
24 executive officer.

25 Before that I received several months of training as

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1 a prospective executive officer preparing for
2 responsibilities as second in command for the submarine. And
3 then I went to prospective commanding officer school before
4 proceeding to command of a submarine, the USS HARTFORD, which
5 is stationed in Groton, Connecticut, and received on-the-job
6 training there in command as well, and along the way
7 on-the-job training on shore assignments as a Squadron 8
8 operations officer, a joint maritime operations planner, on a
9 joint staff as a tactics and certification inspector for the
10 Commander of Submarine Force Atlantic staff, and also as a
11 inspector for the Nuclear Propulsion Examining Board.

12 And my final tour here in Norfolk on the waterfront
13 was as a commander of Submarine Squadron 8, where I had four
14 submarines assigned to me as the commodore, and on-the-job
15 training associated with that tour as well.

16 Q. What is your present command?

17 A. I'm currently assigned to Commander of Submarine Force
18 Atlantic as the Director for Tactics and Training. My duties
19 and responsibilities pertain to the tactical doctrine that
20 our submarines subscribe to and operations at sea, and I'm
21 also directly involved in the submarine certification process
22 for deploying submarines. And involved in that is my
23 certification of how the crew integrates the direct support
24 element into the operations of the crew at sea.

25 Q. Generally speaking, what is the role of the Navy

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1 submarine force in the military operations in defense of the
2 United States?

3 A. I would characterize the role of the submarine force as a
4 global force. We're typically involved in missions around
5 the world. We have several different types of submarines
6 that do different types of missions.

7 The SSBN force, which is our blastic missile
8 submarines, predominantly perform a strategic deterrent role
9 in support of our national security.

10 The SSGNs, which are a guided missile submarine, and
11 our attack submarines, all of which are nuclear-powered
12 submarines, conduct worldwide missions across the spectrum of
13 peacetime, intelligence collection operations through battle
14 space preparation in the event that, you know, hostilities or
15 escalation in a particular region of the world would occur.

16 So most of the time in our peacetime environment we
17 do operations around the world in the vicinity of foreign
18 countries. Those types of missions we do are typically
19 intelligence collection type operations. We refer to that as
20 intelligence surveillance and reconnaissance operations,
21 where we typically proceed to an area of interest and use
22 sensors installed on board the submarines with the crew and
23 the training that they've received and the direct support
24 element who is on board the ship to optimize the use of those
25 sensors. And we monitor activity and we collect signals, we

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1 identify patterns of foreign militaries, and we contribute
2 those findings to, again, knowledge of a potential battle
3 space, should our country go to war with that foreign
4 country.

5 But, in addition to that, the findings and the
6 intelligence collection feeds back into our diplomatic
7 processes that our senior leadership and our government use
8 to interact with other countries.

9 Q. Is the submarine force sometimes referred to as the
10 "Silent Service"?

11 A. Yes, the submarine community has been referred to as the
12 "Silent Service." That is a traditional name that I've been
13 acquainted with over my years as a submariner, and I think
14 its origins come from the fact that typically our operations
15 are classified and they are handled appropriately when we are
16 what we refer to as being read into the different programs or
17 the different classifications.

18 We sign contracts acknowledging the fact that we
19 understand our responsibilities to be secure with the
20 information that we are being exposed to and to prevent
21 unauthorized disclosure, because we understand that the
22 compromise of that information, which is directly related to
23 the operations that our submarines do, has potential bad
24 consequences.

25 And I spoke of intelligence surveillance and

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1 reconnaissance before, intelligence collection type
2 operations. We typically operate in areas of the world to
3 conduct missions and collect on certain types of activities,
4 and I refer to how that feeds back into, you know, our senior
5 leadership's decision making.

6 And to not safeguard the information and to operate
7 in a manner that's contrary to a silent service would
8 potentially interrupt the ability to conduct those missions.
9 With knowledge that a submarine might be in the area
10 conducting operations, the adversary may change their pattern
11 of operations. For example, if the intelligence collection
12 was on a specific type of Navy vessel from the foreign
13 country, that vessel may change its location or the nature by
14 which it operates, making our intelligence collection harder
15 to achieve. If the presence of a submarine were known in an
16 undisclosed or an unauthorized disclosed fashion, that would
17 compromise the covert nature of that operation.

18 And typically, again, in the submarine service,
19 silent service, we conduct undetected operations. Our intent
20 is to remain covert, do what we need to do in support of your
21 national security, and then proceed back home at the end of
22 those missions.

23 And, finally, the unauthorized disclosure of the
24 information that we're exposed to could lead to prosecution
25 by foreign naval vessels of the submarine, which potentially

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1 raises safety issues that potentially threaten the safety,
2 health and welfare of the crew on board, in addition to
3 safeguarding the material condition of that military asset;
4 namely, the submarine.

5 So we take the protection of the information we're
6 exposed to very seriously, and based on the manner with which
7 it has traditionally been safeguarded over the years the term
8 "Silent Service" has evolved.

9 Q. What are the types and classes of submarines?

10 A. There are several different types and classes of
11 submarines. I referred to several of them earlier.

12 There's a Trident Class submarine which has been in
13 service now for about three decades. The Trident Class right
14 now is split into two different types of submarines. The
15 majority of the Trident Class are referred to as our SSBN
16 Force, which is nomenclature for ballistic missile
17 submarines. They are the primary means that we contribute to
18 the nation's strategic security triad.

19 Several of the Trident Class submarines were
20 converted to SSGNs that have been in service for upwards of
21 about ten years now. There was a conversion of the Trident
22 Class to be capable of carrying cruise missiles instead of
23 ballistic missiles; hence, the change in their name to
24 SSGN -- different type of submarine but still within the
25 Trident Class.

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1 There's also a Los Angeles Class attack submarine,
2 as well as Sea Wolf Class and Virginia Class attack
3 submarines. The attack submarines are a tactical asset.
4 They're typically deploying to conduct the types of
5 intelligence collection that I mentioned earlier.

6 The three classes that comprise the attack
7 submarines -- the Los Angeles Class has been in service for
8 about three decades. I've served on three of those.

9 The Sea Wolf Class numbers three in the order of
10 battle, and then there's a Virginia class, which is the
11 newest class of our attack submarines, several of which are
12 in construction right now over in Newport News in the
13 shipbuilding industry.

14 Q. What is the approximate cost today of a new submarine?

15 A. The new Virginia Class submarines approximate \$2 billion
16 per platform.

17 Q. All right. Now, if you would, look in the exhibit
18 notebook in front of you at what previously has been
19 introduced as Government Exhibit Number 63.

20 A. Okay. I'm looking at Exhibit 63.

21 Q. In preparation for your appearance today as a witness did
22 you review this document?

23 A. Yes, I have.

24 Q. First, if you would, please go to the fifth page of the
25 document near the bottom of the page. Please read the

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1 question designated by the letter L.

2 A. The question designated by the letter L reads: "Please
3 tell us more about special missions against specific
4 countries. What was specific purpose, and were operations
5 successful? What submarines were used? Always please be
6 precise."

7 Q. The answer to that question follows. Is that correct?

8 A. Yes, it does.

9 Q. Now, if you would, please go to the next page of the
10 document and look at the paragraph beginning with the words,
11 "That story made me think of this."

12 A. I'm looking at that paragraph.

13 Q. And you'll also see that paragraph on a screen which I
14 believe is to the side of your seat. A portion of that
15 paragraph is highlighted. Is that highlighted portion a part
16 of the answer to question L?

17 A. Yes, it is.

18 Q. Now, certain words in that highlighted portion are
19 enclosed by a box. Is that correct?

20 A. Yes, they are.

21 Q. What does that signify?

22 A. The words that are enclosed by the boxes are substituted
23 words for classified information that was in the original
24 document.

25 Q. So is this document an edited version of an original

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1 document that contained the actual words?

2 A. Yes, this document is an edited document with substitute
3 terminology in place of the classified term in the original
4 document.

5 Q. Have you reviewed the original unedited document that
6 contains the actual words?

7 A. Yes, I have reviewed that document.

8 Q. Why is it necessary to have substitutions in the box for
9 the actual words that were written in the original document?

10 A. The original document is classified. It's classified
11 secret.

12 Q. In particular, this highlighted portion?

13 A. Yes, sir, this highlighted portion is classified secret.

14 Q. Please read on the screen the highlighted portion.

15 A. Do I understand the highlighted portion to be the portion
16 that's blown up right now?

17 Q. Yes, sir.

18 A. "I would put the U.S. and South Korea as tied for third.
19 Something else you might look into. The specified country
20 actually came up with this to track drug smugglers at night.
21 Specified equipment used on a small aircraft. One that does
22 not have radar. Something with a pilot and navigator. The
23 navigator relays the specified data fed to a ground station
24 in realtime, who in turn directs the aircraft to anything
25 suspicious. In the specified location waters this proved

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1 damaging for submarines as they described vulnerability.
2 This resulted in a specified indicator pointing directly to
3 the submarine. Ideally, they would have their IFF turned
4 off. I know it is an international requirement, but it can
5 be picked up by the submarine. But they won't be able to get
6 a bearing on it. Direction-finding equipment was limited to
7 a number 12.5 percent of the actual lower frequency range to
8 the actual upper frequency range. There was a DF system on
9 board that goes below a number 2.34 percent less than the
10 actual frequency value."

11 Q. Thank you. What you just read included an acronym IFF.
12 What does that stand for?

13 A. IFF stands for identify friend or foe.

14 Q. Now, at the bottom of the same page, page 6, please read
15 the question designated by the letter M.

16 A. "What do you know about Russian submarine program and
17 capabilities? Where is weakness in Russian submarine system
18 and American system?"

19 Q. And the answer to that question follows. Is that
20 correct?

21 A. Yes.

22 Q. Now, if you would, please, go to the next page of the
23 document and look at the paragraph beginning with the word
24 "operationally." You'll also see that paragraph on the
25 screen, and a portion of the paragraph is highlighted.

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1 A. Okay, I see the paragraph.

2 Q. Is the highlighted portion a part of the answer to
3 question M?

4 A. Yes, it is.

5 Q. Again, certain words are enclosed by a box, correct?

6 A. Yes, certain words are enclosed by boxes.

7 Q. And what does that signify?

8 A. The words enclosed by the boxes, similar to the previous
9 line of questioning, provides substitute terminology that is
10 unclassified, in place of classified words that were in the
11 original document.

12 Q. Please read --

13 THE COURT: You've reviewed the original document on
14 this page, correct?

15 THE WITNESS: Your Honor, I have reviewed the
16 original document.

17 THE COURT: All right.

18 BY MR. SALSBURY:

19 Q. Please read on the screen the highlighted portion.

20 A. "Operationally, your submarines perform very well
21 independently, with a few exceptions. Some communications
22 are not that secretive. I'm talking about certain
23 transmissions. (Deleted.) Then we just observe the unit and
24 see how they react. This goes a long way. (Deleted.) Using
25 such methods, geographic features of that area makes tracking

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1 your warships extremely easy. The cold water allows for
2 greater sound propagation, and the geographic features of
3 that area echoes all sounds back into itself. We have been
4 able to track your warships operating in the area from over a
5 certain number of miles away. The U.S. (deleted.) The only
6 aspect of Russia the U.S. Navy is interested in these days is
7 new development, experimentation, and technology.

8 (Deleted.)"

9 Q. Now I'd like you to go back to the exhibit notebook and
10 look at what has been marked for identification as Government
11 Exhibit Number 64.

12 What is that exhibit?

13 A. Exhibit 64 is an extract from Exhibit 63, extracted from
14 the paragraphs that I read aloud.

15 Q. Does it show questions L and M and the highlighted
16 portions of the answers to those questions you read a moment
17 ago from Exhibit 63?

18 A. Yes, it does.

19 MR. SALSBURY: Your Honor, I move to introduce
20 Government Exhibit Number 64.

21 THE COURT: Government Exhibit 64 is received in
22 evidence.

23 (The exhibit was admitted into evidence.)

24 BY MR. SALSBURY:

25 Q. You indicated that the words that are enclosed by a box

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1 are substitutes for the actual words written in the actual
2 document, correct?

3 A. Yes.

4 Q. And you have reviewed that original document?

5 A. Yes, I have reviewed the original document.

6 Q. Now, I first want to ask you about question L and this
7 portion of the answer to it.

8 Does this portion of the answer to question L, with
9 the actual words as written in the original document that you
10 reviewed, contain information that relates to the national
11 defense of the United States?

12 A. Yes, it does.

13 Q. How is that so?

14 A. The original information contained in the boxes for which
15 substitute words have been provided contains information that
16 is classified secret.

17 Q. How does it relate to the national defense?

18 A. Specifically, the information contained in paragraph L --
19 it does a couple things. Relating back to what I told you
20 earlier, the information in paragraph L provides what I would
21 term tactical guidance for the aircraft that is referred to
22 in terms of how to operate its systems to be less detectable
23 by U.S. submarines potentially operating in the areas where
24 the aircraft is operating.

25 Additionally, the paragraph provides information

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1 with regards to a submarine vulnerability that could be
2 exploited to potentially detect that submarine. So from the
3 perspective of completing the submarine operations covertly,
4 it represents a compromise to the potential covert operations
5 of a U.S. submarine on such a mission.

6 Q. Captain, based on your knowledge and expertise, is the
7 information in this answer to question L accurate?

8 A. Yes, it is.

9 Q. Is the information classified?

10 A. Yes, it is classified.

11 Q. Who classified it?

12 A. The information was classified by the United States Navy
13 in accordance with governing documents.

14 Q. What is the level of the classification of this
15 information?

16 A. The information is classified to the secret level.

17 Q. Was that the level of the classification of the
18 information on October 21st, 2012?

19 A. Yes, it was.

20 Q. Has this information ever been made public by the United
21 States Government?

22 A. No, it has not.

23 Q. Is the information found in sources that are available to
24 the general public?

25 A. Say that again, please.

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1 Q. Is the information found in sources that are available to
2 the general public?

3 A. No, it is not.

4 Q. Are you familiar with the indictment in this case?

5 A. I am familiar with the indictment.

6 Q. Is this the information classified as secret that the
7 defendant is alleged in the indictment to have delivered on
8 October 21st, 2012?

9 A. Yes, it is.

10 Q. In regard to the national security of the United States,
11 what does a classification of secret mean with respect to the
12 unauthorized disclosure of the information?

13 A. The unauthorized disclosure of secret information is
14 considered damaging to U.S. national security, and that
15 definition is provided in a Presidential Executive Order.

16 Q. Does this portion of the answer to question L with the
17 actual words as written in the original document that you
18 reviewed contain information that reveals and pertains to
19 methods to track United States submarines?

20 A. Yes, it does.

21 Q. Is that based on the answer you previously gave?

22 A. Yes, it is.

23 Q. Would a foreign government be able to use this
24 information to its advantage?

25 A. Yes, I assess that it would be.

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1 Q. How so?

2 A. Well, as I mentioned earlier, by communicating a
3 potential vulnerability of a United States submarine. If
4 this information were to be exploited by a foreign government
5 and its military forces, they could be inclined to try to use
6 the capability with knowledge of that vulnerability to detect
7 a U.S. submarine conducting deployed operations and
8 potentially disrupt the ability of that submarine to conduct
9 the mission.

10 Q. Because of that, could the unauthorized disclosure of
11 this information reasonably result in serious damage to the
12 national security of the United States?

13 A. Yes, it could. By disrupting the mission that is being
14 conducted, that would potentially remove the ability to gain
15 intelligence that the United States Government would like to
16 leverage in diplomatic efforts and other military operations
17 and potentially be damaging.

18 Q. Is that why the information is classified as secret?

19 A. Yes, it is.

20 Q. In response to the unauthorized disclosure of this
21 information to a foreign government, would the United States
22 have to modify its own techniques and procedures?

23 A. Yes, that's possible.

24 Q. What would that involve?

25 A. Well, in the particular case of paragraph L, if the

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1 country -- the affected country were to take advantage of
2 vulnerability that is addressed in this paragraph and
3 potentially use its military aircraft and naval vessels to
4 use the capability and try to exploit that vulnerability of
5 the submarine, it may result in the submarine having to
6 operate in a different area and subsequently be deprived of
7 the intelligence collection that was intended for that area
8 of the world, and it could also result in the
9 counterdetection of that submarine, potential prosecution by
10 other naval vessels from the affected country. And, as I
11 said earlier, anytime naval vessels from different countries
12 are -- interacting, one country prosecuting the other,
13 there's potential for safety issues that could affect the
14 integrity of that ship and the health and welfare of the crew
15 on board.

16 Q. Now I want to ask you about question M and the answer to
17 it on this exhibit, Government Exhibit 64.

18 Again, in the answer to this question, the part in
19 this exhibit, are the words that are enclosed by a box
20 substitutes for the actual words written in the original
21 document that you reviewed?

22 A. Yes, the words enclosed in the box are substitutes from
23 the original terminology in the original document that I have
24 reviewed.

25 Q. Does this portion of the answer to question M in the

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1 version containing the actual words from the original
2 document contain information that relates to the national
3 defense of the United States?

4 A. Yes, it does.

5 Q. How is that so?

6 A. Well, in paragraph M it specifically refers to a
7 capability of the United States submarines in a given area of
8 the world to track naval vessels from the affected country
9 that paragraph M refers to. So it discloses capability of a
10 United States submarine which could affect current and future
11 operations and deployed submarine missions.

12 Q. Based on your knowledge and expertise, Captain, is the
13 information accurate?

14 A. Yes, it is.

15 Q. Is it classified?

16 A. It is classified.

17 Q. Who classified it?

18 A. The United States Navy classified the information in
19 paragraph M.

20 Q. What is the level of the classification of this
21 information?

22 A. The classification of the information in paragraph M in
23 the original document was classified top secret SCI, SCI
24 standing for sensitive compartmented information.

25 Q. Was that the level of the classification of the

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1 information on October 21st, 2012?

2 A. Yes, it was.

3 Q. Has this information ever been made public by the United
4 States Government?

5 A. No, it has not.

6 Q. Is the information found in sources generally available
7 to the public?

8 A. No, it is not.

9 Q. Is this the information classified as top secret
10 sensitive compartmented information that the defendant is
11 alleged in the indictment to have delivered on October 21st,
12 2012?

13 A. Yes, it is.

14 Q. In regard to the national security of the United States,
15 what does a classification of top secret mean with respect to
16 the unauthorized disclosure of the information?

17 A. In accordance with the Presidential Executive Order which
18 defines top secret, the unauthorized disclosure of top secret
19 information is considered exceptionally grave, potential
20 exceptionally grave damage to U.S. national security.

21 Q. Does this portion of the answer to question M from the
22 actual document contain information that warns of the
23 capabilities of the United States to track foreign warships?

24 A. Yes, it does.

25 Q. How is that so?

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1 A. Well, the information contained in paragraph M refers to
2 a specific part of the world, the associated acoustic
3 characteristics, and the ability of our submarines to track
4 another warship from the applicable country at certain
5 distances. So it's clearly articulating a capability that
6 our U.S. submarines have pertinent to missions in that part
7 of the world. So in that capacity giving away that
8 capability of our force is potentially damaging.

9 Q. In fact, have United States submarines operated and
10 tracked foreign warships in the specific designated area that
11 is identified by the actual words in the original document?

12 A. Yes, they have.

13 Q. Would the unauthorized disclosure of this information
14 have an effect on the ability of the United States to detect
15 and monitor the warships and naval vessels of a foreign
16 government?

17 A. Yes, it would. Would you like me to explain that?

18 Q. Yes.

19 A. Okay. Similar to what I said a little while ago, in this
20 particular case the capability of our submarines to track a
21 warship of interest from another country's order of battle in
22 a specific geographical location as disclosed here, the
23 potential exists for, with knowledge of this, the other
24 country would move that warship or subsequent warships to
25 different parts of the world and operate in different waters,

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1 which would deprive the U.S. submarines and the missions that
2 they're embarked on from detecting and monitoring the
3 activities of those vessels.

4 Q. And, so, a foreign government would be able to use this
5 information to its advantage. Is that correct?

6 A. Yes, that is correct.

7 Q. And, because of that, could the unauthorized disclosure
8 of this information reasonably result in exceptionally grave
9 damage to the national security of the United States?

10 A. Yes.

11 Q. Is that why the information is classified as top secret
12 SCI?

13 A. Yes, it is.

14 Q. In response to the unauthorized disclosure of this
15 information to a foreign government, would the United States
16 have to modify its own techniques and procedures, and what
17 would that involve?

18 A. Yes, it's fair to say that the United States would have
19 to modify its techniques and procedures, specifically
20 devoting mission time to reevaluate the affected country and
21 the disposition of their naval forces, particularly if they
22 were to move them to different operating areas with different
23 environmental conditions. Our submarines would have to
24 figure out the environmental factors that applied in that
25 different part of the world and basically would be subject to

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1 different challenges in terms of being able to detect and
2 track those warships from that country.

3 Q. Are you familiar, Captain, with what is known in the Navy
4 as a cryptologic technician - technical, known as a CTT?

5 A. Yes, I am familiar.

6 Q. What are the duties of a CTT aboard a submarine?

7 A. The duties of the CTT -- that rate is typically
8 associated with the direct support elements, which embark our
9 attack submarines and, in some cases, our guided missile
10 submarines to assist the crews of those submarines on
11 deployed missions.

12 The DSE, as it's called, includes the cryptologic
13 technicians - technical, as well as several other rates that
14 comprises that direct support element.

15 And the job of that element is to integrate with the
16 crew. They are specialists in terms of the gear they operate
17 and the intelligence collection that they perform, and
18 they're a pretty significant enabler that allows the crew to
19 execute the missions that it's tasked to do. And,
20 effectively, they become part of the crew when they're
21 deployed with us.

22 Q. Captain, my final question is this:

23 By virtue of those duties you've just described,
24 would a CTT be in a position to know about the
25 vulnerabilities and capabilities of the United States

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1 submarines as they are described in these answers to
2 questions L and M?

3 A. In my experience, the CTTs, along with the other
4 personnel who comprise the direct support element, are fully
5 integrated into the ship's operational planning, training,
6 and mission execution. They're familiar with the specific
7 intelligence collection objectives and the capabilities of
8 the submarine, so yes.

9 Q. Thank you, sir.

10 THE COURT: This is a good time to take a break at
11 this time. I think we'll take a break for 15 minutes, ladies
12 and gentlemen.

13 You're admonished, Captain, not to discuss your
14 testimony with anyone during the break.

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: All right.

17 (The jury withdrew from the courtroom.)

18 THE COURT: You may be excused. We'll take a
19 15-minute recess.

20 (A recess was taken.)

21 THE COURT: Please remain standing.

22 Mr. Farris, if you would bring in the jury.

23 (The jury entered the courtroom.)

24 THE COURT: Let the record reflect the entire jury
25 has returned.

—F. Cattani - Cross—

1 You may be seated.

2 All right, Mr. Broccoletti, you may cross-examine.

3 MR. BROCCOLETTI: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. BROCCOLETTI:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. With reference to Government's Exhibit 63, could you --
9 do you have the book in front of you?

10 A. I do not.

11 Q. We'll get it for you.

12 MR. BROCCOLETTI: And if we could pull that up, 63,
13 please.

14 THE COURT: Ms. Baxter --

15 THE CLERK: Yes, sir.

16 THE COURT: Any document that's received in evidence
17 they may look at. It's already in evidence, okay?

18 THE CLERK: Who?

19 THE COURT: The reporter.

20 THE CLERK: Oh.

21 THE COURT: As long as it's in evidence, they may
22 look at it at the break.

23 You may proceed.

24 MR. BROCCOLETTI: Yes, sir.

25 BY MR. BROCCOLETTI:

—F. Cattani - Cross—

1 Q. Captain, have you ever served with Mr. Hoffman?

2 A. No, not to my knowledge, I have not.

3 Q. Are you familiar at all with his service in the United
4 States Navy; length of service or types of deployments that
5 he's been involved in?

6 A. Only from what I gleaned from the classified exhibit.

7 Q. All right. Have you been able to review his -- I guess
8 his Navy jacket or career in terms of the last time he had
9 served on a submarine?

10 A. No, I have not reviewed any of Mr. Hoffman's service
11 documentation.

12 Q. All right. If we look at Government's Exhibit 63,
13 question number D --

14 MR. BROCCOLETTI: If you could highlight that for
15 us, please. I'm sorry. Just the question and the answer. I
16 apologize. My fault.

17 THE COURT: 53?

18 MR. BROCCOLETTI: 63, Your Honor.

19 THE COURT: 63?

20 MR. BROCCOLETTI: Yes, sir.

21 THE COURT: All right. Excuse me.

22 BY MR. BROCCOLETTI:

23 Q. All right. And if you see the last line in that
24 particular question -- or answer, actually -- "It has been
25 four years since I left the submarine program, so I do not

—F. Cattani - Cross—

1 know the current sub systems in use."

2 Do you see that?

3 A. Yes, I do.

4 Q. All right. Have you been able to confirm or not that it
5 had been four years since the defendant left the submarine
6 program?

7 A. I have not confirmed that.

8 Q. All right.

9 MR. BROCCOLETTI: If we could look at page 2 of that
10 exhibit, number H, and just first of all the question, if you
11 would, please.

12 THE WITNESS: Would you like me to read the question
13 H?

14 BY MR. BROCCOLETTI:

15 Q. Yes, sir.

16 A. Okay.

17 "Please tell us which submarines you were embarked
18 on and from which bases. Please to describe submarine
19 capabilities, weapon systems, how many crew, and which
20 submarines are used for special operations. Tell us about
21 submarine systems you are an expert of. Please describe with
22 precision."

23 Q. And, now, if we could look to the answer, to the first
24 paragraph of that, please.

25 A. Yes, I'm looking at that.

—F. Cattani - Cross—

1 Q. All right. We're blowing that up for the jury now.

2 In that Mr. Hoffman indicates that he holds the
3 record for the most days deployed underwater. "Literally, I
4 have spent more time underwater than any human being ever."

5 Have you ever been able to confirm that?

6 A. I've made no effort to confirm that.

7 Q. Are there records kept of such a thing?

8 A. There may be, but I'm not aware that they're available to
9 me.

10 Q. Further on down he indicates that he's been blown up
11 twice and has taken numerous head injuries over the last
12 20 years. Have you been able to confirm that?

13 A. No, I've not confirmed that.

14 Q. If we turn to the second page -- excuse me, page 3, which
15 is the second part of that answer, in this particular answer
16 the defendant is talking about different classes of
17 submarines that you had described, also; Sea Wolf, Los
18 Angeles, Virginia. Correct?

19 A. Yes, sir.

20 Q. And about halfway down that answer where it starts,
21 "Depths and speed, most Los Angeles" --

22 MR. BROCCOLETTI: Do we see that, Agent Dougherty?
23 Could we blow that up all the way back down?

24 BY MR. BROCCOLETTI:

25 Q. All right. Now, in that particular answer there are also

—F. Cattani - Cross—

1 brackets with the terms knots value plus 19 percent, knots
2 value plus 6 percent. Do you see that?

3 A. Yes, I see that.

4 Q. And you have been able, as you established through
5 Counsel's previous questions to you, to review the original
6 document which contained the original numbers.

7 A. That is correct.

8 Q. Do these numbers contained within these brackets reflect
9 the numbers plus a particular percentage that was given?

10 In other words, is that a new 1688 can do knots value
11 plus 19 percent. In other words, the figure that the
12 defendant provided in the answer was 19 percent off the
13 correct figure.

14 A. Yeah, the information in the brackets with the
15 percentages is a -- basically, an unclassified substitution
16 for the accuracy of the information in the original document
17 relative to the precise information related to our
18 submarines.

19 Q. So, with respect to, if we could, the Los Angeles Class
20 where it indicates, "A new 1688 can do knots value plus
21 19 percent but most top out at knots value plus
22 6 percent," do you see that in the answer?

23 A. Yes, I do.

24 Q. In other words, the original would have included an
25 amount plus either 19 percent or 6 percent. That's how --

—F. Cattani - Cross—

1 that's the distance or that's the amount that it's
2 inaccurate.

3 A. Yes, sir, that's correct.

4 Q. Likewise, with respect to the Sea Wolf Class knots value
5 2 plus 49 percent -- he was 49 percent off on the correct
6 amount.

7 A. Yes, that's correct.

8 Q. And that's reflected in the balance of that particular
9 answer, correct?

10 A. Yes, it is.

11 Q. All right. So all of these reflect inaccurate amounts
12 that the defendant would have provided in his answers.

13 A. The percentages provided are the inaccuracy of the data
14 provided, yes.

15 Q. There's a reference to the USS AUGUSTA that's listed
16 there. What is the USS AUGUSTA?

17 A. The USS AUGUSTA is a United States attack submarine that
18 was decommissioned several years ago.

19 MR. BROCCOLETTI: If we could look at Government's
20 Exhibit 94, page 51, please.

21 BY MR. BROCCOLETTI:

22 Q. And while we're looking at that, you're aware that this
23 particular document that's reflected in Government's
24 Exhibit 63 was dropped off on October 21st of 2012?

25 THE COURT: Exhibit 94?

—F. Cattani - Cross—

1 THE WITNESS: I'm confused on whether I'm looking at
2 Exhibit 63 or 94.

3 BY MR. BROCCOLETTI:

4 Q. Exhibit 63.

5 A. Yeah.

6 Q. The answers to these particular questions was part of the
7 drop that was made on the 21st of October of 2012.

8 A. Yes, to my knowledge.

9 Q. Now, if you would, look at Government Exhibit Number 94,
10 page 51.

11 MR. BROCCOLETTI: And if you could highlight, Agent
12 Dougherty, for us, please, the reference about three-quarters
13 of the way down to USS AUGUSTA. Do you see that?

14 AGENT DOUGHERTY: Yes.

15 BY MR. BROCCOLETTI:

16 Q. Do you see a reference on Government's Exhibit Number 94
17 on page 51 to USS AUGUSTA? It's on the screen to your left.

18 THE COURT: 94 being the spreadsheet?

19 MR. BROCCOLETTI: Yes, sir.

20 THE COURT: All right.

21 (There was a pause in the proceedings.)

22 THE COURT: What page is it on?

23 MR. BROCCOLETTI: Page 51, Your Honor.

24 BY MR. BROCCOLETTI:

25 Q. Do you see the reference to the USS AUGUSTA about

—F. Cattani - Cross—

1 three-quarters of the way down?

2 A. I see the reference to the USS AUGUSTA.

3 Q. And is that also dated October 21st, 2012?

4 A. Yes, it is.

5 Q. All right.

6 MR. BROCCOLETTI: If we go back -- and I apologize,
7 Agent Dougherty.

8 If we go back to Exhibit 63, page 4, and if we go to
9 the last paragraph of that, please.

10 BY MR. BROCCOLETTI:

11 Q. There's a reference here to the recording device used was
12 the Eagle 8 digital recorder. Do you know what that is?

13 A. I have no experience with the Eagle 8 digital recorder
14 that I can recall.

15 Q. All right.

16 MR. BROCCOLETTI: And if you would look on, again,
17 Government's Exhibit 94, page 52. And if we could go, again,
18 three-quarters of the way down, approximately.

19 THE COURT: If you would refer to date and time that
20 would help.

21 MR. BROCCOLETTI: Yes, sir, we are. It's --

22 BY MR. BROCCOLETTI:

23 Q. If you see the reference to Eagle recorder on
24 Government's Exhibit 94, page 52 --

25 THE COURT: He's not familiar with Eagle recorder,

—F. Cattani - Cross—

1 is he?

2 MR. BROCCOLETTI: No, sir. I'm asking him if he
3 sees the reference on the exhibit.

4 THE COURT: Well, what does he have to do with it?

5 MR. BROCCOLETTI: I'm tying it up, Judge.

6 THE COURT: All right.

7 THE WITNESS: I do see the reference.

8 BY MR. BROCCOLETTI:

9 Q. And is that also on October the 21st?

10 A. Yes, it is.

11 Q. Now, are you currently serving on a submarine?

12 A. No, I do not.

13 Q. When is the last time that you have served on a
14 submarine?

15 A. Can you clarify what you mean by "served on a submarine"?
16 Assigned to the submarine?

17 Q. I'm sorry. It's a term of art, and we're probably
18 speaking different languages, so I apologize. Assigned to.

19 A. Yeah, I had command of the USS HARTFORD through October
20 of 2006, so that was my last submarine assignment.

21 Q. And since that time you've been assigned --

22 A. Since that time I was assigned as a nuclear propulsion
23 plant inspector on the Fleet Forces Command staff, I was
24 assigned as commander of Submarine Squadron 8 here in
25 Norfolk, and am currently assigned as the Tactics and

—F. Cattani - Cross—

1 Training Director for Commander Submarine Force Atlantic.

2 Q. Now, you had nothing to do with this case back at the
3 time that the FBI was investigating it in and around
4 September and October of 2012.

5 A. That is a true statement.

6 Q. You came into the case about when?

7 A. I came into this case approximately two or three months
8 ago.

9 Q. All right. With respect to the -- Counsel asked you with
10 respect to information that was in the public domain in terms
11 of submarines and tactics and tracking and trailing and
12 things of that particular nature.

13 Would it be fair to say that there have been a number
14 of -- if you're aware -- a number of articles, newspapers,
15 books published with respect to United States submarines?

16 A. That would be a fair statement.

17 Q. And would it be fair also to say that the information
18 contained within those books talks about submarine speeds,
19 depths, crush depths, things of that nature?

20 A. I would be guessing to answer that question.

21 Q. Are you aware of a book called Jane's Fighting Ships?

22 A. I am aware of Jane's Fighting Ships.

23 Q. What is that book?

24 A. Jane's is an unclassified publication that contains
25 pictures and other data from warships worldwide.

—F. Cattani - Cross—

1 Q. Does Jane's contain data on warships for, generally
2 speaking, all of the countries that maintain navies?

3 A. Jane's contains a lot of information about foreign
4 navies.

5 Q. Does Jane's contain information about United States
6 warships?

7 A. Yes, Jane's contains information about United States
8 warships.

9 Q. Does Jane's contain information about United States
10 submarines?

11 A. Yes, Jane's contains information about United States
12 submarines.

13 Q. Los Angeles Class, Sea Wolf Class and Virginia Class, the
14 ones that you've mentioned?

15 A. Yes.

16 Q. I understand that it's unclassified, but would that
17 information also relate to speed, submerged speeds, depths,
18 crush depths?

19 A. I haven't looked at Jane's recently, but I believe that
20 it does.

21 Q. Did you maintain a copy of Jane's while you were in
22 command of a submarine?

23 A. I absolutely did.

24 Q. For which purpose?

25 A. Well, I also considered Jane's to be an unsubstantiated

—F. Cattani - Cross—

1 source of intelligence for any country that we were going to
2 conduct operations with, even our own U.S. warships. Jane's
3 has great pictures and things like that, and provides perhaps
4 the top layer of intelligence so that we can dig into our
5 classified publications and actually confirm what information
6 is accurate and what is not.

7 Q. Would you use Jane's as a reference point with respect to
8 foreign vessels as well?

9 A. I would. I would use Jane's to get some pictures of the
10 foreign vessels, and I would review the information in Jane's
11 as sort of an entering argument, I suppose.

12 Q. You had mentioned IFF. Again -- I'm sorry -- what is
13 that?

14 A. IFF stands for identified friend or foe. It's an
15 electronic admission.

16 Q. And would it be fair to say that both friends and foes
17 conduct naval surveillance operations?

18 A. That would be a fair statement.

19 Q. Would it be fair to say also that friends and foes are
20 continually updating their ability to conduct surveillance
21 operations?

22 A. It is a fair statement to say that surveillance
23 operations are very dynamic and frequently updated.

24 Q. And would it be fair to say that those surveillance
25 operations would be incorporating the latest technology that

—F. Cattani - Redirect—

1 may be available?

2 A. Yes, the latest technology that is available.

3 Q. And would it be fair to say that the friends and foes
4 would be maintaining their surveillance capabilities based
5 upon the latest intelligence that was available?

6 A. Yes, it would.

7 Q. And when you say "constantly evolving and constantly
8 updating," it's a very fluid situation, in other words.

9 A. Aspects of it can be very fluid.

10 Q. Did you ever read the Tom Clancy book Guided Tour of a
11 Nuclear Warship -- Nuclear Submarine?

12 A. I have not read that Tom Clancy book.

13 Q. Are you familiar with that book?

14 THE COURT: He says he hasn't read it. Let's move
15 along.

16 MR. BROCCOLETTI: Yes, sir.

17 THE COURT: Don't start telling us about Tom
18 Clancy's book. Let's go.

19 MR. BROCCOLETTI: Thank you very much, sir. I
20 appreciate it.

21 MR. SALSBURY: If we could put back up Government
22 Exhibit 64.

23 REDIRECT EXAMINATION

24 BY MR. SALSBURY:

25 Q. Do you have 64 in front of you, sir?

1 A. I do.

2 Q. Mr. Broccoletti asked about Jane's and other public
3 sources. Looking first at the answer to question M, to your
4 knowledge does the Jane's book, or any other book or any
5 other periodical, identify the specific geographic area that
6 Mr. Hoffman warns the Russians to stay away from in
7 this answer?

8 A. Absolutely not.

9 Q. Now, looking at the answer to question L, does the Jane's
10 book, or any other periodical or document that you're aware
11 of, identify the specific vulnerability of U.S. submarines in
12 the unedited version with the actual words, in the answer to
13 question L?

14 A. No.

15 Q. Okay. Thank you, sir.

16 MR. BROCCOLETTI: No, sir. Thank you.

17 THE COURT: The material that was contained in the
18 actual case -- that is, the actual letter itself, the
19 material that was there -- was that current in relation to
20 the 21st of October of 2012?

21 THE WITNESS: Yes, Your Honor, to the best of my
22 knowledge, it was.

23 THE COURT: Have I raised any points for you?

24 MR. BROCCOLETTI: No, sir.

25 THE COURT: Anything for you?

1 MR. SALSBURY: No, Your Honor.

2 THE COURT: Thank you. Captain, you're instructed
3 not to discuss your testimony with anyone until this case is
4 complete, at which time you are free to discuss it with
5 anyone you like.

6 Do you need this witness any further, Mr. Krask or
7 Mr. Salsbury?

8 MR. SALSBURY: No, Your Honor.

9 THE COURT: Do you need this witness any further,
10 Mr. Broccoletti?

11 MR. BROCCOLETTI: No, sir. Thank you.

12 THE COURT: All right. You may be excused, Captain.
13 Thank you very much, sir.

14 *****

15

16 CERTIFICATION

17

18 I certify that the foregoing is a correct transcript
19 from the record of proceedings in the above-entitled matter.

20

21 s/s

22 Heidi L. Jeffreys

23

24 November 12, 2013

25 Date